

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff,

Plaintiff,

v.

NATIONAL BANK OF KUWAIT AND  
NBK BANQUE PRIVÉE (SUISSE) SA,

Defendants.

Adv. Pro. No. 11-02554 (CGM)

**NOTICE OF MOTION OF DEFENDANTS NATIONAL BANK OF KUWAIT  
AND NBK BANQUE PRIVÉE (SUISSE) SA TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the memorandum of law in support of the motion of defendants National Bank of Kuwait and NBK Banque Privée (Suisse) SA (the “Defendants”) to dismiss the complaint attached hereto as an exhibit and all prior pleadings and proceedings herein, the Defendants will move this Court at 10:00 am prevailing local time on January 18, 2023, or at such other time as the Court may set, for an order dismissing the complaint pursuant to Federal Rules of Civil Procedure 8(a)(2) and 12(b)(6), as made applicable by Federal Rules of Bankruptcy Procedure

7008 and 7012.

PLEASE TAKE FURTHER NOTICE that the plaintiff must respond to this motion by November 14, 2022, and the Defendants must reply to any response by December 14, 2022.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, the Defendants do not consent to the entry of final orders or judgment by this court.

Dated: New York, NY  
September 14, 2022

Respectfully submitted,

/s/ Richard A. Cirillo

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Richard A. Cirillo

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Kuwait and NBK Banque Privée (Suisse) SA*